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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA  
Plaintiff,

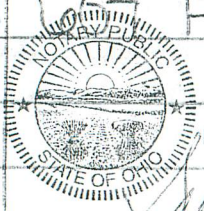
CASE NO. 1:17CR-76  
JUDGE M. BARBETT

V.  
Meah Virge  
Defendant

PRO SE MOTION FOR  
DISMISSAL OF THE  
SENTENCING ENHANC-  
EMENT AND NON-FA-  
TAL OVERDOSE SERIOUS  
BODILY INJURY TO  
VICTIM ONE

FILED  
CLERK OF COURT  
2017 DEC -7 PM 12:47  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Now comes Defendant Meah Virge who respectfully moves this Honorable Court For a order permitting a dismissal of the sentencing enhancement on the Non-fatal overdose "Serious bodily injury" in Count one of the indictment. In a recent "Supreme Court decision" Burrage v. US, 134 S. CT 881 (2014) and United States v. Salyers, 661 Fed. Appx. 862 (2016), Bagland v. U.S., 784 F.3d 1213 (2015), U.S. v. Ford, 750 F.3d 952 (2014) U.S. v. Halman, 657 Fed. Appx. 585 (2015)



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Notary Public, State of Ohio  
My Commission Expires December 3, 2017

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x Meah Virge



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The Supreme Court held that at least where use of the drug distributed by the defendant is not an independently sufficient cause of victim's death or serious bodily injury, a defendant cannot be liable under the penalty enhancement provision of Controlled Substance Act applicable when death or a serious bodily injury result from use of the distributed substance, unless such use is a "but-for cause" of the death or injury.

A defendant, who distributed heroin used by victim who died or suffered a serious bodily injury of drug overdose after using other drugs could not be convicted under the penalty enhancement provision, absent evidence that the victim would have lived or not suffer injury but-for his heroin use.

There is no physical evidence in this case however that defendant gave or distributed drugs to victim on day of victim non-fatal serious bodily injury, which is the but-for cause that is required by the Supreme Court.



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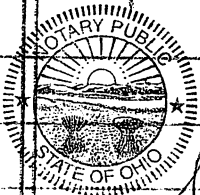
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There is no physical evidence in this case however what drug was the independently sufficient cause of victims injury. Which is a requirement by the Supreme Court. Blood samples, Urine samples, and or a toxicology report are the ways to meet requirement of the independently sufficient cause, under the Supreme Court Law.

Testimony of the victim is not enough evidence without a toxicology report to meet the requirement of but-for cause.

A EMT report only support that victim was given narcan. Giving victim narcan only supports and reverses opiate and Synthetic opiates. However narcan does not determine how many opiates or other drugs is in victims body or which drug it independently reverses.

The urine drug screen that was used on victim at Mercy Hospital is premature. Compared to a toxicology report.



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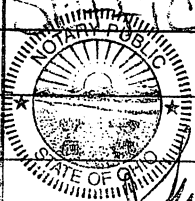
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Also its many drugs that could have been in victim body that a drug screen will not detect, but a toxicology report will. It clearly says on urine drug screen that "Therapeutic levels of pain pills medication, especially Oxycotin, and synthetic opioids, may not be detected by this Methodology."

If a seriously bodily injury carries the same enhancement min 20-life then the same procedures should be followed. In a fatal heroin or drug overdose a autopsy and a toxicology report is performed, therefore should also be performed on a non-fatal drug overdose.

The victim also stated she was trying to kill herself to Doctors by using heroin and pills. The victim was in a drug and alcohol treatment house at the time she overdosed and is a known drug and alcohol user.

If the Courts determines that the evidence of "Serious bodily injury" is sufficient for this case to proceed to trial.



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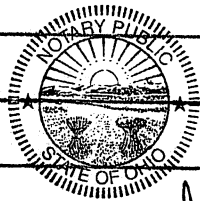


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I Submits that the Statute is Void for Vagueness as applied. As overdose serious bodily injury and such, the sentence enhancement provision should be stricken from the indictment. Courts have long held that a statute is void for vagueness under the fifth Amendment due process clause.

Respectfully Submitted

x Meah Virge



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